

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESale PRICE LITIGATION	MDL No. 1456
THIS DOCUMENT RELATES TO: ALL CLASS ACTIONS RELATING TO THE TRACK TWO DEFENDANTS	CIVIL ACTION: 01-CV-12257-PBS Judge Patti B. Saris

**[PROPOSED] ORDER REVISING CERTAIN DATES
RELATED TO THE TRACK TWO SETTLEMENT**

WHEREAS, this matter has come before the Court pursuant to Plaintiffs' request to reset certain dates relating to the Track Two Class Settlement to allow for direct notice to consumer class members and a letter to TPP class members clarifying the list of drugs involved in the Proposed Settlement.

IT IS HEREBY ORDERED THAT:

This Court's July 2008 Order Granting Preliminary Approval of the Track Two Class Settlement, Directing Notice to the Classes, and Scheduling Fairness Hearing ("Preliminary Approval Order") [Docket No. 5426] is hereby modified as follows:

<u>Event</u>	<u>Original Date</u>	<u>Revised Date</u>
Filing of Materials in Support of Final Approval including Attorneys Fees	November 10, 2008	March 2, 2009
Filing of Request for Exclusion	Postmarked by December 1, 2008	Postmarked by March 16, 2009

Notice of Intention to Appear at Fairness Hearing Stating Reasons for Opposition to Proposed Settlement Filed	December 1, 2008	March 16, 2009
Filing and Service of Appearance of Counsel at Fairness Hearing	December 9, 2008	March 9, 2009
Final Approval Hearing	December 16, 2008	April 15, 2009 or later (to be determined by the Court)
Filing of Claim (Consumers Only)	Postmarked January 31, 2009 (Consumers Only)	Postmarked May 1, 2009 (Consumers Only)
Filing of Claim (TPP Class Members Only)	Postmarked by December 1, 2009 (TPPs Only)	Postmarked by March 16, 2009 (TPPs Only)

Plaintiffs shall advise all class members of the revised schedule in all future communications as well as post this Order and revised Notices incorporating these new dates on the settlement website.

Plaintiffs are also hereby authorized to direct the claims administrator to mail a copy of the letter attached hereto as Exhibit A to each TPP class member accompanied by a complete list of all drugs at issue in the Proposed Settlement.

The Fairness Hearing previously schedule for December 16, 2008 is hereby rescheduled to _____, 2009 at ____pm in Courtroom _____. Plaintiffs are directed to post the change in the date of the Fairness Hearing on the settlement website.

Date: _____

Patti B. Saris
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing, **[PROPOSED] ORDER REVISING CERTAIN DATES RELATED TO THE TRACK TWO SETTLEMENT** to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on December 9, 2008, a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Steve W. Berman

Steve W. Berman